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ABSTRACT

This digest presents the major findings of a national survey of public and private facilities and state agencies on the prevalence of youth with disabilities in juvenile and adult correctional facilities in the United States and the educational and related services offered to them. Findings include: (1) a preliminary estimate of the prevalence of youth with disabling conditions in juvenile corrections is 32 percent; (2) youth with a specific learning disability or an emotional disturbance are more vulnerable to placement in juvenile or adult corrections than youth not identified as disabled; (3) 84 percent of youth in short-term detention facilities, 48 percent of youth in long-term correctional facilities, and 29 percent of youth in adult corrections facilities were enrolled in education programs; (4) most facilities reported that they had procedures in place to determine whether incarcerated youth were eligible for special education and related services; (5) facilities reported than only 17 percent of their teachers were fully certified to teach special education; and (6) of the related services, counseling and speech and language services were the most prevalent offered to detained or incarcerated youth. (Contains 10 references.) (CR)

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Students with Disabilities in Correctional Facilities

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Youth with disabling conditions are overrepresented in juvenile correctional facilities (Burrell & Warboys, 2000). Many special educators, parents, and advocates are interested in ensuring that these youth receive the education and related services to which they are entitled under federal and state statutes. Until recently, however, the nature and extent of overrepresentation, the educational services provided, and the credentials of teachers in juvenile corrections have not been adequately examined.

The Center for Effective Collaboration and Practice, in collaboration with the National Center on Education, Disability and Juvenile Justice (CECP/EDJJ), recently completed a national survey of the prevalence of youth with disabilities in juvenile detention, and in juvenile and adult correctional facilities in the United States. Preliminary analysis of findings from the survey of public and private facilities and state agencies sheds light on the status of education services to youth with disabilities in juvenile detention, and in juvenile and adult correctional facilities (Quinn, Rutherford, Wolford, Leone, & Nelson, 2001). This digest presents the survey's major findings on the prevalence of students with disabilities in correctional facilities and the educational and related services offered to them.

Prevalence

In the mid 1980s, Rutherford, Nelson, and Wolford (1985) conducted a national survey of state special education and correctional education agencies to determine the need for, and provision of, special education services to incarcerated youth with disabilities. Rutherford and his colleagues found that youth with disabilities were substantially overrepresented in the juvenile justice system. Casey and Keilitz (1990) conducted a meta-analysis of studies of the prevalence of youth with learning disabilities and mental retardation in juvenile corrections and found that students with learning disabilities and mental retardation were overrepresented (average weighted prevalence estimates were 35.6 % and 12.6%, respectively). More recent studies have also found disproportionate representation in juvenile corrections (e.g., Bullock & McArthur, 1994).

While the mechanisms associated with overrepresentation are not well understood, some evidence suggests that police officers, attorneys, judges, corrections staff, and probation officers are typically unaware of characteristics associated with youths' disabilities (Keilitz & Dunivant, 1986). That is, youth may be more vulnerable to involvement in the juvenile or criminal justice system when poorly developed reasoning ability, inappropriate affect, and inattention are misinterpreted by professionals as hostility, lack of cooperation, and other inappropriate responses.

A conservative, preliminary estimate of the prevalence of youth with disabling conditions in juvenile corrections is 32%. This finding is notably higher than the prevalence of disabilities among school-age children in the United States, which is about 9% (U.S. Department of Education, 2000).

The results of this survey suggest that youth with a specific learning disability or an emotional disturbance are more vulnerable to placement in juvenile or adult corrections than youth not identified as disabled. The survey found that 46% of youth with a disability in corrections had a primary diagnosis of specific learning disability and 45% were identified with an emotional disturbance.

This phenomenon has several implications. First, local schools and communities must recognize that youth placed at risk for involvement in the juvenile justice system, including students with disabilities, must receive support and preventative services to minimize their vulnerability. Early identification of youth placed at risk can lower the odds of incarceration and assist youth, their families, and their communities in developing more productive relationships and experiences. In addition to prevention, community-based services in lieu of incarceration can provide appropriate sanctions for youth while avoiding the negative outcomes associated with imprisonment. With daily costs as high as $200 to $500 per day for youth placed in juvenile corrections, financial incentives to develop alternatives should exist (South Dakota Department of Corrections, 2001).

Educational Programs and Related Services

In their 1985 survey, Rutherford, Nelson, and Wolford found that although services offered in most states varied widely, not all youth with disabilities in juvenile corrections were receiving the special education services to which they were entitled. Findings from the current CECP/EDJJ survey indicate that most juveniles who are detained or incarcerated are enrolled in an educational program, with the type of facility affecting the availability of education. Respondents reported that 84% of youth in short-term detention facilities, 48% of youth in long-term correctional facilities, and 29% of youth in adult corrections facilities were enrolled in education programs.

The finding that only 29% of juveniles in adult corrections facilities were enrolled in education programs is disturbing, particularly as states have increased the number and percentage of youth transferred from juvenile to criminal courts and from juvenile to adult correctional facilities (Juszkiewicz, 2000). This finding may also confirm the difficulty that adult correctional facilities have had in providing educational services, especially to youth with disabilities.

Most facilities reported that they had procedures in place to determine whether incarcerated youth were eligible for special education and related services. While 89% of juvenile and adult correctional facilities reported procedures for identification and placement, only 73% of the local detention facilities had procedures in place. Within the 27% of local detention facilities lacking these procedures are approximately 3,400 youth.

The CECP/EDJJ survey found variability in the credentials of teachers serving special education students in juvenile and adult correctional facilities, as well as in the related services students received. Facilities reported that only 17% of their teachers were fully certified to teach special education. Of the related services offered to detained or incarcerated youth, counseling and speech and language services were the most prevalent. For all types of facilities, about 60% offered related services for counseling; 34% for speech and language services; 21% for occupational therapy; and 39% for other types of services.

These findings imply that correctional facilities need to develop programs and services that meet statutory requirements. The Individuals with Disabilities Education Act (IDEA) entitles eligible youth to special education services in juvenile and adult corrections, with some limitations. Similarly, Title II of the Americans with Disabilities Act (ADA) requires that public entities, including detention facilities and prisons, provide accommodations in programs and services for individuals with disabilities. However, the record of class action litigation during the past 20 years in this area suggests that in many jurisdictions, correctional facilities have provided inadequate services until they were sued (Leone & Meisel, 1997). Providing adequate services to youth in corrections involves communicating with the home school, developing effective screening and assessment procedures, and providing quality special education and related services.

Clearly, more research is needed to understand the impact of disability on delinquent behavior. Currently, a number of hypothesized relationships exist but empirical evidence is scarce. Further, information about the adequacy of education services for youth with disabilities in correctional settings is limited to a description of compliance with statutory requirements and not a review of the implementation of empirically based instructional practices and outcomes for youth.

The overrepresentation of youth with disabilities in corrections raises questions for policymakers and the public. Alternatives to incarceration and more widely available prevention services can reduce the number of youth with disabilities in juvenile and adult correctional institutions.

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